

Claims 1-10, 13-15, 17-19 and 44 were rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 4,899,299 to MacPhail (the MacPhail patent).

In support of his rejection, the Examiner notes:

As per claim 1, MacPhail discloses a method for creating a self destructing document, comprising the steps of creating an executable module which instructs a computer to automatically delete a document to which the executable module is attached when a predetermined condition is met; attaching the executable module to the document [MacPhail col. 2 line 35, col. 3 line 50].

Claim 1 recites:

1. A method for creating a self destructing document, comprising the steps of:
creating an executable module which instructs a computer to automatically delete a document to which the executable module is attached when a predetermined condition is met;
attaching the executable module to the document.

As claim 6 contains similar limitations to claim 1, except that claim pertains to an e-mail messaging system, the rejection of claim 6 will be discussed together with the rejection of claim 1.

1. Claim 6 recites :

6. A self-destructing e-mail messaging system, comprising:
an executable module, the executable module configured to instruct a computer to automatically delete a message to which the executable module is attached when a predetermined condition is met;
an e-mail messaging system, the e-mail messaging system configured to create an e-mail message and to transmit the e-mail message, the e-mail messaging system attaching the executable module to the e-mail message prior to transmission.

It is respectfully submitted that the MacPhail patent does not disclose or suggest creating an executable module that automatically deletes a document or e-mail message, or attaching such a module to a document or e-mail message as recited in claim 1. The MacPhail patent purports to disclose a document retention system that establishes a dual label for each document stored in the system with each label having a different expiration date for the document. Retention and deletion selection criteria are accepted from a user at the same time the document is filed by the system. Filed documents are polled by the system to check expiration dates stored in the

document labels. If the expiration date has passed, the system deletes the document. An executable module does not delete a document to which the module is attached so there cannot be a self-destructing document. There is no indication in the part of MacPhail referenced by the Examiner (col. 2, line 35-col. 3 line 50), or anywhere in the rest of the MacPhail patent that discloses or suggests creating an executable module at all, much less attaching an executable module to a document.

At col. 5, line 61, the MacPhail patent discusses its method of creating a document and setting descriptors to determine how the document is retained and deleted. The text refers to a flowchart with the steps of the method which include creating the document, setting descriptors, to determine how the created document is to be retained, and filing the document.

Figure 6 of the MacPhail patent is a flowchart illustrating the steps involved with automatically controlling the retention and deletion of documents. Basically, the system of MacPhail scans the library of documents and compares the expiration dates of both labels to the current date to determine if the document should be retained or deleted. There is no executable module attached to the e-mail so there can be no deletion by an executable module attached to the e-mail. Therefore, the MacPhail patent does not provide a self-destructing document.

The MacPhail patent relates to a retention management scheme in which a computer polls each folder and file on a computer, determines the expiration date of the folder or file, and then deletes the file or folder if the current date is later than the expiration date. In this regard, the MacPhail patent is similar to the prior art systems described in the specification of the present application at page 2, lines 6-19.

In view of the above, the MacPhail patent also fails, at the very least, to disclose or suggest, an executable module that automatically deletes a document which executable module is attached to the e-mail message or document.

With regard to the specific portion of the MacPhail patent which are referenced by the Examiner in his rejection:

Column 2, line 35 to column 3, line 50 discusses the MacPhail system in summary with no mention of an attached executable module. The system establishes a dual label with expiration dates determined by a user. MacPhail states "Documents are automatically retained and deleted by processing the expiration date criteria associated with each document relative to a current date." As previously stated, this is no different than the prior art polling systems cited by the applicants.

It is therefore respectfully submitted that the MacPhail patent does not disclose, or provide a suggestion or motivation to create an executable module which automatically deletes a document or e-mail when a predetermined condition is met, and to attach such a module to the document as recited in independent claim 1, or to the e-mail message as recited in claim 6.

For the foregoing reasons, it is respectfully submitted that the Examiner's rejection of claims 1 and 6 is overcome and should be withdrawn.

Claims 2-5, 44, and 7-19 depend from and incorporate the limitations of claims 1 and 6 respectively. Withdrawal of the Examiner's rejection of these claims is therefore requested on this basis as well. However, as these claims also include additional limitations which further distinguish these claims over the MacPhail patent, applicants will address the specific points raised by the Examiner with regard to these dependent claims.

With respect to claims 2-4, the Examiner states "MacPhail discloses the executable module is an executable code or program or module or macro as sub-action menu [MacPhail col. 6 line10-40]."

As previously discussed, MacPhail does not disclose an executable module. It seems the Examiner equates the sub-action menu of MacPhail described in col. 6, line 10-40, with the executable module of the present invention. That section of the reference, however, discusses an interactive menu for a display intended for a user to set retention criteria. The menu of

MacPhail does not act on an attached document, it only interacts with a user to set retention criteria and store the criteria with a document in the system. As MacPhail states:

The sub-action menu shown in FIG. 4b includes an option to SET DESCRIPTORS which is selected to enter the criteria that will be used to manage the retention and automatic deletion of documents from the system. When this option is selected the screen shown in FIG. 5 is displayed to the EU. The end user responds to the various prompts displayed in FIG. 5 by entering a name for the document label and a name for the ownership label...

After all the data is entered and displayed in the screen of FIG. 5, the end user presses the ENTER key and is returned to the sub-action menu of FIG. 4b. The "FILE" i.e. file document option is selected by positioning the cursor and again pressing the ENTER key. The newly created document along with the labels and expiration dates are then stored in the system by the library server.

The portion of the reference relied on by the Examiner merely discusses a user interface for the system to allow deletion criteria configuration by a user. There is no discussion of executable code, programs, modules or macros -- only a menu for interfacing with a user that bears no relation to the executable module of claims 2-4. Moreover, we note that the menu is a utility external to the document that interacts with a user to configure retention criteria whereas the claimed module is embedded in the document and executes independently to delete a document to which it is attached. Therefore, the rejection of claims 2-4 is requested on this basis as well.

The Examiner maintains that, with respect to claims 5 and 13, MacPhail discloses the step of executing the executable module when the document, or e-mail is opened by making reference to Fig. 4a. That figure, however, is another interactive menu for a user to create a document under the system. Column 5, line 66 begins to describe the menu of Fig. 4a:

The main action menu is shown in FIG. 4a. As shown, the menu illustrates three separate actions that the EU [end user] can designate. The screen cursor is represented by an X in Fig 4a and as illustrated is adjacent the Create a Document action. The action is selected in the normal manner by positioning the cursor adjacent the line on the menu and hitting the enter key. The system responds with a series of prompts which allows the user to create a document.

The menu is not an executable module and does not execute every time a document or e-

mail is opened. The menu in Fig. 4a of MacPhail executes before a document is created to interact with a user to create a document under the system rather than enforce a retention policy by executing every time a document is opened as claimed. In addition, nothing in MacPhail executes each time a document is opened, not even the deletion mechanism. The MacPhail deletion mechanism operates periodically, so there can be no disclosure or suggestion of a module that executes every time a document is opened. Further, there is no discussion of e-mail in the MacPhail patent, so there can be no disclosure of an executable module that executes each time an e-mail is opened as claimed. Therefore, since MacPhail fails to disclose or suggest the limitations of claims 5 and 13, the Examiner's rejection of those claims is respectfully requested.

The Examiner rejects claims 7-9 for having the same limitations as claims 2-4 and therefore, bases his rejection on the same rationale. Applicants respectfully submit, therefore, that claims 7-9 are allowable for the same reasons claims 2-4 are allowable. Applicants wish to point out that aside from the arguments set forth above for the allowability of claims 6-9, the MacPhail patent does not mention or suggest application to e-mail systems. Therefore, the MacPhail patent could not disclose or suggest the elements of claim 6-9 which are directed towards an e-mail messaging system.

With regard to claims 10 and 44, it is respectfully submitted that the MacPhail patent also fails to disclose or suggest overwriting the message with null characters as claimed. In support of his rejection, the Examiner refers to Fig. 4b of the MacPhail patent. It is respectfully submitted, however, that there is no mention or suggestion in the entire MacPhail patent of any overwriting of data, much less overwriting with null characters. As previously discussed, Fig. 4b is nothing more than a menu to interact with a user. There is no deletion or overwriting disclosed in reference to an e-mail message in the referenced figure. Moreover, it is not inherent that the process of deleting a file or program includes overwriting the file or program with null characters. To the contrary, in general, "[f]iles that you delete aren't actually deleted at all. The computer just changes the first letter of the file name." G.Covlin, Shredder, Fortune Business Report (July 17, 1998)(of record). Therefore, even if the MacPhail patent discloses deleting documents, it does not disclose or suggest overwriting their information. On this basis as well, withdrawal of the Examiner's rejection of claims 10 and 44 is respectfully requested.

Claim 12 was “canceled” by the Examiner because the applicants canceled claim 11 from which claim 12 depends. It is respectfully submitted that the Examiner cannot cancel an existing claim in a pending application absent the consent of applicant. Applicant believes that the appropriate procedure is for the Examiner to reject the claim for improper dependency. In any event, claim 12 has been amended to more properly depend from claim 1. Reconsideration and allowance of claim 12 is therefore requested.

Claims 13-15, and 17-19 were rejected based on the same excerpt of the MacPhail patent, column 2, line 35 – column 3 line 50. This part of the reference recites a summary of the alleged invention of the MacPhail patent, as discussed above, which is no different from the prior art polling systems disclosed in the application.

Claims 13-15, 17 and 19 depend from and include all the limitations of claim 6, which is believed to be allowable. Claim 18 depends from claim 1 which is believed to be allowable as well. Therefore claims 13-15 and 17-19 should also be allowable based on their dependency therefrom and based upon other novel subject matter contained therein, discussed below.

With respect to claim 13, the Examiner maintains that

As per claim 13, MacPhail discloses the executable module is configured to execute when the e-mail message to which it is attached is opened as a design choice of electronic document or Email [MacPhail col. 2 line 35-col 3 line 50].”

The part of MacPhail relied upon, however, does not contain any disclosure or suggestion of an executable module or an e-mail message, so there cannot be any disclosure or suggestion of an attached executable module configured to execute when the e-mail to which it is attached is open as claimed. There is not even any mention of a module executing or a document being opened, only the polling of an electronic document storage system for deletion of certain documents is disclosed.

For claim 14, the Examiner maintains

As per claim 14, MacPhail discloses the executable module is configured to begin

execution when the e-mail message to which it is attached is opened, the executable module deleting the message during said execution if a predetermined condition is met as a design choice of electronic document or Email [MacPhail col. 2 line 35-col 3 line 50].

MacPhail does not, in any way or at any point in the entire reference, mention or suggest an e-mail message, an attached executable module, deletion by an attached executable module, or deletion during execution of an attached executable module of an e-mail message. Therefore, MacPhail cannot disclose the limitations of claim 14.

The Examiner maintains, with respect to claim 15, that "...MacPhail discloses the e-mail message is an e-mail message attachment as a design choice of electronic document or Email [MacPhail col. 2 line 35-col 3 line 50]." As previously mentioned, MacPhail does not mention e-mail or e-mail attachments. In addition, there is no suggestion that the system of MacPhail could or would apply to an e-mail system.

It is the Examiner's opinion that "As per claim 17, MacPhail discloses said predetermined condition is printing, copying, or forwarding the e-mail message as a design choice of electronic document or Email [MacPhail col. 2 line 35-col 3 line 50]." The only "predetermined condition" in MacPhail is an expiration date. There is no functionality provided for performing any kind of action in response to printing, copying or forwarding of any document, much less an e-mail, which is not even mentioned.

Lastly, for claim 18, it is the Examiner's opinion that

As per claim 18, MacPhail discloses the document is an encrypted document , and wherein the executable module is configured to instruct the computer to decrypt the document if a predetermined condition is met, and to delete the document if the predetermined condition is not met as a design choice of an electronic document [MacPhail col. 2 line 35-col 3 line 50].

MacPhail, however, does not mention or suggest the use of encryption in the excerpt relied on by the Examiner or anywhere else in the reference. As a result, MacPhail cannot disclose an encrypted document at all, much less an executable module that instructs a computer to decrypt a document if a predetermined condition is met or deletes the document if the

predetermined condition is not met, especially in the absence of even a suggestion to use encryption.

Although the Examiner references claim 19 in the Office Action on page 2, paragraph 2, the Examiner has provided no discussion of the basis of his rejection. Claim 19 is a dependent claim which depends from claim 6 and recites that the message is encrypted, and that the executable module is configured to instruct the computer to decrypt the document or message if the predetermined condition is met, and to delete the document or message if the predetermined condition is not met (similar to claim 18). Applicant also wishes to note the Office Action provides no discussion of the limitations of claim 19, and no indication of how these limitations are found in the references applied by the Examiner.

Therefore, for the reasons set forth above with regard to claim 18, it is respectfully submitted that claim 19 is unobvious over the MacPhail patent.

Applicants also wish to note that the MacPhail patent does not contain any discussion or suggestion of encryption, much less a discussion or suggestion of the specific steps recited in claims 18 and 19. On this basis as well, withdrawal of the Examiner's rejection of claims 18 and 19 is respectfully requested.

2. The Examiner's Rejection of Claims 20-43

Claims 20-43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the MacPhail patent in view of U.S. Patent No. 6,073,166 to Forsen (the Forsen patent).

A. Claim 20

Claim 20 recites:

20. A method for creating a virtual container containing a digital object, comprising the steps of
creating a virtual container, the virtual container residing in contiguous locations in an electronic storage media of a computer, the virtual container including a header portion and a digital object portion;
selecting a digital object for insertion into the virtual container;
applying an encryption technique to the digital object to create an encrypted digital object;

writing the encrypted digital object into the digital object portion;
selecting an expiration date for the digital object;
writing information indicative of the expiration date into the header portion of the virtual container.

In support of his rejection, the Examiner asserts that:

As per claim 20, MacPhail taught a method for creating a virtual container containing a digital object, comprising the steps of creating a virtual container, the virtual container residing in contiguous locations in an electronic storage media of a computer, the virtual container including a header portion and a digital object portion; selecting a digital object for insertion into the virtual container; applying an encryption technique to the digital object to create an encrypted digital object; writing the encrypted digital object into the digital object portion; selecting an expiration date for the digital object [MacPhail col. 2 line 35, col. 3 line 50]. However, MacPhail did not explicitly detail writing information indicative of the expiration date into the header portion of the Virtual container. Forsen taught the system for transfer of data including the Internet Mail content an address header, content header, a executable module Forsen [col. 2 line 20-45, 55, col. 3 line 60]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the technique using header with executable module as taught by Forsen into the MacPhail system in order to utilize the automatically deleted electronic document process on Internet Mail.

As previously set forth, the MacPhail patent purports to disclose a document retention system that allows an enterprise to specify an expiration date like the prior art polling systems previously discussed. With respect to the specific portions of the MacPhail patent referenced by the Examiner:

The MacPhail patent contains no discussion whatsoever of e-mail or e-mail processing. The MacPhail patent also contains no discussion of creating a virtual container which resides in contiguous locations on an electronic storage media of a computer, which digital container includes a header portion and a digital object portion, or selecting a digital object for insertion into the virtual container. Moreover, the MacPhail patent contains no discussion of encrypting digital objects, and therefore also fails to suggest encrypting a digital object and inserting encrypted digital object into the virtual container (which it also fails to disclose). Although the MacPhail patent does purport to disclose selecting an expiration date for files and folders, it does not disclose or suggest writing information

indicative of the expiration date into the header portion of the virtual container as recited in claim 20 and conceded by the Examiner. To the contrary, the MacPhail patent, like the prior art document retention systems described on page 2 of the present application, relies on a polling system which systematically checks the expiration date of each file or folder on the computer in order to enforce a document retention policy. There is no suggestion to create the claimed virtual container, and no suggestion to put expiration date information into a header portion of a virtual container as claimed.

No mention is made of how information or processes are stored on the mass storage devices or how information is accessed. There is no mention of memory locations, much less how they are divided and what type of information they contain.

There is no discussion of creating a virtual container for storing a digital object, no discussion of a virtual container residing in contiguous memory locations on computer memory, and no discussion of selecting a digital object for insertion into the virtual container.

Since MacPhail does not recite any of the elements in claim 20, withdrawal of the Examiner's rejection of claim 20 is respectfully requested.

As for the Forsen patent, the Examiner asserts that it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the technique using header with executable module as taught by Forsen into the MacPhail system in order to utilize the automatically deleted electronic document process on Internet Mail. The Forsen patent, however, cannot cure the deficiencies identified above with regard to the MacPhail patent.

There is no motivation or suggestion in the Forsen patent to modify the system of the MacPhail patent to provide expiration date information in a header portion of a virtual container. The portion of the Forsen patent relied upon by the Examiner discloses attached executable modules to an e-mail that are "...executed at the receiving end together with an associated

module of data to perform tasks defined by the sender and/or to process or present data...By including executable modules used to interpret and display the information the sender will control accurately how the information will appear at the receiver.” (col. 2, line 28-30; line 34-36) Therefore, the Forsen patent does not mention or suggest an expiration date, much less writing expiration information into the header of a virtual container. The modules in Forsen are defined by the sender to control how the information of an e-mail appears on a display. The modules do not delete an e-mail and there is no suggestion of using the attached executable to delete an e-mail when an expiration date has been reached.

Assuming arguendo, that the combination of the MacPhail patent and the Forsen patent provide the claimed virtual container having a header portion and a digital object portion, which reside in contiguous locations on an electronic storage media, and that a motivation exists for combining the two patents, the resulting combination would not result in the invention of claim 20. To the contrary, if one of ordinary skill in the art at the time of the invention were to combine the MacPhail patent with the Forsen patent, the result would be an e-mail messaging system with executable modules attached to the e-mails for controlling the display of the e-mail contents in which the e-mail server (or file server) polled each e-mail message on the server for its expiration date, and deleted any expired messages or attachments. On this basis as well, withdrawal of the Examiner’s rejection of claim 20 is respectfully requested.

B. Claims 21-23

Claim 21 recites:

21. A method for extracting a document from a virtual container, comprising the steps of :

- reading information indicative of an expiration date from a header portion of a virtual container, the virtual container residing in contiguous locations in an electronic storage media of a computer, the virtual container including the header portion and a digital object portion, the digital object portion containing an encrypted digital object;

- determining, based upon said information, if the digital object is expired;
- overwriting the digital object portion of the virtual container with null data if the electronic object is expired; and

reading the digital object from the digital object portion and
applying a decryption technique to the digital object if the digital object is
not expired.

In support of his rejection, the Examiner maintains that claim 21 contains similar
limitations set forth in claim 20, and therefore, is rejected for the same rationale as claim 20.

Claim 21, however, differs from claim 20 in many respects. Claim 20 recites a method
for creating a virtual container where claim 21 discloses a method for extracting a document
from a virtual container.

The only step that involves similarities between claims 20 and 21 is the reading step of
claim 21 because the information is read from a virtual container that is created in accordance
with the method claim 20, that is, the information is read from a virtual container residing in
contiguous memory locations with a header portion and a digital object portion. The steps of
creating the virtual container, however, are not recited in claim 21. The remaining steps of claim
21, aside from the reading step, share no similarities with claim 20. There is no recitation of
determining whether a digital object is expired, and there is no recitation of overwriting, reading
or decryption in claim 20 as in claim 21. Rather, claim 20 recites steps of writing and
encrypting.

Therefore, because the limitations in claim 20 and claim 21 are different, the basis for
rejection of claim 20 cannot serve as the basis for rejection of claim 21. Even if the basis for the
rejection was valid, the rejection should be withdrawn for the same reasons the rejection of claim
20 should be withdrawn.

In addition, MacPhail and Forsen do not teach an encrypted digital object and reading the
digital object from the digital object portion and applying a decryption technique to the digital
object if the digital object is not expired. There is no decryption as a function of an expiration
date in either reference.

Further, there is no disclosure or suggestion of overwriting any memory location with null data. There is no disclosure or suggestion to overwrite any data, much less overwrite data based on an expiration date. For these reasons, as well as the reasons set forth above with regard to claim 20, it is respectfully submitted that the combination of the MacPhail and Forsen patents fails, at the very least to disclose the claimed steps of “reading information indicative of an expiration date from a header portion of a virtual container . . . , the virtual container including a header portion and a digital object portion, the digital object portion containing an encrypted digital object”; “determining, based upon said information, if the digital object is expired”; “overwriting the digital object portion of the virtual container with null data if the digital object is not expired”; and “reading the digital object from the digital object portion and applying a decryption technique to the digital object if the digital object is expired”.

Finally, even assuming arguendo, that the MacPhail and Forsen patents disclose each and every limitation of claim 21 (which they do not), none of these references contain any suggestion or motivation to combine these references in the manner suggested by the Examiner. The Forsen patent relates to an e-mail messaging system which purportedly allows a sender to specify a sequence of functions to be performed at the receiving end. It contains no discussion of document retention or security issues. The MacPhail patent purports to describe a polling based document retention system for files and folders on a computer, and contains no discussion of e-mail messaging or of the need to encrypt or otherwise secure the contents of the files. It is respectfully submitted that a person of ordinary skill in the art at the time of the invention would not be motivated to combine these diverse and unrelated technologies.

Withdrawal of the Examiner’s rejection of claim 21 is therefore respectfully requested. As the Examiner has also rejected claims 22 and 23 “for the same rationale” as claim 21, withdrawal of the Examiner’s rejection of these claims is also respectfully requested.

C. Claims 24-43

It is the Examiner’s opinion that:

As per claim 24, MacPhail-Forsen disclose the step of creating a container header and an digital object header, the container header containing information regarding the container including a container name, tile digital object header containing information regarding the digital object [Forsen Fig 1,2]

As claim 24 depends from and incorporates the limitations of claim 20, withdrawal of the Examiner's rejection of these claims is also requested.

As the Examiner has rejected claims 25-34 "for the same rationale" as claims 20 and 24, withdrawal of the Examiner's rejection of these claims is also respectfully requested.

However, applicants wish to once again bring to the Examiner's attention that claim 32 (and claims 33, 39 and 43 which depend therefrom) recites the steps of creating a virtual container (similar to claim 20), and then transmitting the virtual container to a recipient along with "a container opener utility" for extracting the encrypted digital objects in the virtual container. In this regard, applicants note that the container opener utility performs steps similar to the method for extracting of claim 21. Applicants wish to point out that the Examiner has provided no indication of how these features of claim 32 are disclosed or suggested in by the applied references. Withdrawal of the Examiner's rejection of claims 32-33, 39 and 43 is therefore respectfully requested on this basis as well.

With regard to claim 35, it is the Examiner's opinion that "MacPhail-Forsen taught the container header and the digital object headers, and wherein each digital object is located adjacent to its respective digital object header in the virtual container [Forsen col. 2, line 20-45]". MacPhail, however, has no mention or suggestion of any type of headers or objects and no mention or suggestion of memory locations or how information is organized in memory locations. The portion of the Forsen patent relied upon by the Examiner does not cure the deficiencies in the MacPhail patent because there is no mention or suggestion of headers or the organization of digital objects adjacent to each other. Moreover, there is no disclosure of, or suggestion to, place an expiration date in a header portion of a virtual container. The section of Forsen states:

An object of the invention is to overcome the drawbacks set out above and to provide a system for data transfer with a higher level of applicability. In accordance with this and other objects, the present invention relates to a system for data transfer through Internet/Intranet or similar communication networks including means for generating an aggregate mail object comprising a module of executable code that automatically is executed at the receiving end together with an associated module of data to perform tasks defined by the sender and/or to process or present data. The module of data is preferably embedded in the module of executable code to form an object. The executable code preferably should be independent of the platform used by the receiver. By including executable modules used to interpret and display the information the sender will control accurately how the information will appear at the receiver.

The module may include elements of a control program intended for a control unit or process computer that are executed automatically to perform control tasks in accordance with the associated data and/or a master process.

Further advantages are disclosed in the description below, in the claims and in the accompanying drawings.

Because the references cited by the Examiner in support of his rejection of claim 35, alone or in combination, do not teach or suggest all the limitations of claim 35, it is respectfully submitted that claim 35 is therefore allowable and the Examiner's rejection should be withdrawn. In addition, since claim 35 depends from claim 31, an allowable base claim, withdrawal of the rejection of claim 35 is respectfully requested on that basis as well.

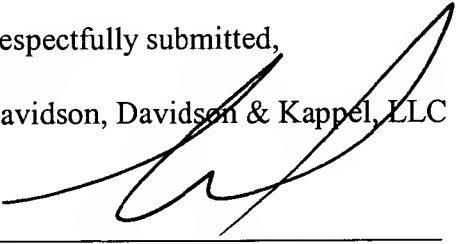
With regard to claims 36-43, the Examiner asserts that MacPhail and Forsen taught the digital object is a document in MacPhail (col. 2 line 35 – col. 3 line 50). Claims 40 – 43, however, do not recite that the digital object is a document, they recite the digital document is a program. Only claims 36-39 recite the digital object is a document, and those claims depend from claims 21, 22, 23 and 32, respectively, the rejections of which have been overcome. Therefore, because claims 36-39 depend from allowable base claims, withdrawal of the rejection of those claims is respectfully requested. In addition, because the Examiner has not provided a basis for rejecting the limitations of claims 36-39, it is submitted that the rejection of those claims should be withdrawn as well.

The present invention is new, useful, and unobvious. Reconsideration and allowance of the present application is therefore respectfully requested.

Respectfully submitted,

Davidson, Davidson & Kappel, LLC

By :


Cary S. Kappel (Reg. 36,561)

485 Seventh Avenue, 14th Floor
New York, NY 10018
212-736-1940 (phone)
212-736-2427 (fax)